



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 28, 2011

Mr. John A. Kazen
Kazen, Meurer & Perez, L.L.P.
P.O. Box 6237
Laredo, Texas 78042-6237

OR2011-04236

Dear Mr. Kazen:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 412418.

The Laredo Independent School District Police Department (the "department"), which you represent, received a request for copies of any and all reports and attached supplemental information filed in relation to break-ins at school district buildings from 2008 to date, and a year-by-year, building-by-building breakdown of the number of reports filed in relation to burglary of a building/theft of school district property from 2001 to date. You state the department has released some of the requested information. You claim the submitted case reports are excepted from disclosure under sections 552.101, 552.108, and 552.135 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note you have not submitted information responsive to the request for a year-by-year, building-by-building breakdown of the number of reports filed in relation to burglary of a building/theft of school district property from 2001 to date. To the extent information responsive to that part of the request existed on the date the department received the request, we assume you have released it. If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Section 552.108 of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime ... if ... release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted case reports pertain to burglary and theft investigations that are still pending. Based on your representation and our review, we conclude section 552.108(a)(1) is applicable to the case reports. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

However, section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; *see also* Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Basic information includes a detailed description of the offense and the identification and description of the complainant. *See* ORD 127 at 3-4. You raise section 552.135 of the Government Code for the complainants’ identities.

Section 552.135 of the Government Code provides, in relevant part:

(a) “Informer” means a student or former student or an employee or former employee of a school district who has furnished a report of another person’s or persons’ possible violation of criminal, civil, or regulatory law to the school district or the proper regulatory enforcement authority.

(b) An informer’s name or information that would substantially reveal the identity of an informer is excepted from [required public disclosure].

Gov’t Code § 552.135(a)-(b). Because the legislature limited the protection of section 552.135 to the identity of a person who reports a possible violation of “law,” a school district that seeks to withhold information under the exception must clearly identify to this office the specific civil, criminal, or regulatory law that is alleged to have been violated. *See id.* §§ 552.301(e)(1)(A), 135(a). You represent, and the submitted case reports reflect, that the complainants listed in the reports reported possible violations of criminal law to the department. You do not indicate that any of the exceptions in section 552.135(c) apply. *See id.* § 552.135(c) (listing exceptions to section 552.135(b) of the Government Code). Therefore, in releasing basic information from the submitted case reports, we conclude the

department must withhold the identifying information of the complainants, which we marked, under section 552.135 of the Government Code.¹

In summary, with the exception of basic information, the department may withhold the submitted case reports under section 552.108(a)(1) of the Government Code. In releasing basic information, the department must withhold the marked information under section 552.135 of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/eeg

Ref: ID# 412418

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need to address your remaining argument against disclosure.